

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office action dated June 17, 2003 are respectfully requested. Applicants petition the Commissioner for a 1-month extension of time. A separate petition accompanies this amendment.

I. Amendments**A. Specification**

The specification is amended to correct obvious typographical errors. The specification is further amended to replace the attorney docket number on page 1 with the USPTO application number.

B. Claims

Claim 38 is amended to include a multiplexing device coupled to the plurality of resilient members. Support for this amendment can be found on page 18, lines 13-15. Claim 38 is further amended to recite that the impedance array is effective to determine localized impedance. Support for this amendment can be found on page 9, lines 1-5.

Claim 43 is amended to remove duplicate language.

II. Rejections under 35 U.S.C. § 112, second paragraph

Claims 43 and 44 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner objected to the language "a resistance gradient or a resistance gradient". Applicants have amended the claim to remove the second reference.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

III. Rejection under 35 U.S.C. § 102

Claims 38-42 and 45-67 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Gough *et al.* (U.S. Patent No. 5,683,384).

These rejections are respectfully traversed.

A. The Present Invention

The present invention relates to an ablation device comprising (i) an elongated delivery device including a lumen, the elongated delivery device being maneuverable in tissue, (ii) an impedance array, and (iii) a multiplexing device operatively coupled to each of the plurality of resilient members. The impedance array comprises a plurality of resilient members being positionable in the elongated delivery device in a compacted state and deployable with curvature into tissue from the elongated delivery device in a deployed state. The resilient members define a sample volume in the deployed state. At least one of the plurality of resilient members includes a sensor for determining impedance. At least some of said resilient members are electrodes which can be coupled to an energy source for ablating tissue when electrical energy is supplied to the electrodes from the source. The impedance array is effective for determining localized impedance.

B. The Prior Art

GOUGH ET AL. relate to a multiple arm device including a primary arm with a longitudinal axis, and a secondary arm coupled to the primary arm. The secondary arm is configured to be deployed in a direction that is lateral to the longitudinal axis with at least one radius of curvature. The device may further include a multiplexer coupled to the primary antenna, the secondary antenna, and the energy source to multiplex between the primary and secondary antennas.

C. Analysis

According to the M.P.E.P. § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference".

Gough *et al.* fail to teach element (iii) of the present invention. Gough *et al.* teach a multiplexer coupled to the primary antenna, which corresponds to the elongated delivery device of the present invention, and the secondary antenna to multiplex energy delivery between the primary and secondary antennas. In contrast, the present invention includes a multiplexing device to multiplex energy delivery between the plurality of resilient members to facilitate determination of localized impedance.

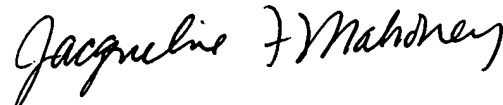
Accordingly, Applicants submit that standard of strict identity to maintain a rejection under 35 U.S.C. § 102 has not been met. Withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants submit that the claims pending in the application are in condition for allowance. A Notice of Allowance is therefore respectfully requested.

The Examiner is invited to contact Applicants' representative at (650) 838-4410 if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,



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Date: Oct. 17, 2003

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